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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,495	12/22/2000	Edward Zhihua Cai		4116

7590 07/02/2003
Edward Z. Cai
4767 NW Jeanice Place
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13
EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

091748495

Applicant(s)

CAI

Examiner

S. WEINSTEIN

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-30, 33-35, 37-52, 58-74, 76-78 is/are pending in the application.
- ☐ Of the above claim(s) 6-10, 34, 41-46, 58-67, 71-73, 75 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 11-30, 33, 35, 37-40, 47-52, 68-70, 74, 76-78 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 9
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Applicant's response (^{filed} ~~cited~~ 3/3/03), Paper No. 12) to the election of species mailed 2/12/03, Paper No. 11.1 is noted. Applicant has elected Group I and species A, C, and F, without traverse and listed claims 1-5, 11-30, 33, 35, 37-40, 47-52, 68-70, 74 and 76-78 as readable on the elected invention and species. Accordingly, claims 6-10, 34, 41-46, 58-67, 7-73 and 75 are withdrawn from further consideration as being drawn to non-elected inventions/species.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 11-30, 33, 35, 37-40, 47-52, 68-70, 74 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck (959,110) in view of Louridas (5,240,722) and Klein (4,452,130).

In regard to claim 1, Buck discloses a cartridge for use with an apparatus having a mounting head for making fluid comestibles comprising a supply of flavoring containing materials for making the fluid comestible, a cartridge Inlet for forming a hermetic seal with the mounting head and introducing liquid from the mounting head into said cartridge, a chamber connected to said cartridge inlet for containing said flavoring-containing materials and for allowing the interaction of said flavor-containing materials with the liquid from the cartridge inlet to produce the fluid comestible and a

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cartridge outlet connected to said chamber for discharging the fluid comestible produced in said chamber. Claim 1 recites that the cartridge is operable under pressure. Since Buck heats the water to cause the water under pressure to pass through the mounting head into the cartridge, it would appear clear that the cartridge of Buck is operable under pressure. In any case, Louridas can be relied on as further evidence of ^a cartridge under pressure. Klein is relied on as further evidence of a cartridge to be connected to a mounting head. Claim 1 also recites a handle. As disclosed, applicant recites that the cartridge itself can be a handle so Buck is seen to be readable on a handle. All of the dependent claims have been carefully reviewed and are considered to recite obvious conventional expedients. For example, Louridas teaches the obviousness of employing a cartridge that is a single, integral body (claim 2); Buck teaches an inlet whose cross-section is significantly smaller than the chamber (claim 3); Buck teaches a cartridge that has an outlet that is of small diameter which would create some ^{foam} ~~from~~; Buck teaches a cartridge with cylindrical shape (claim 11), etc. Any inquiry concerning this communication from the examiner should be directed to Steven Weinstein whose telephone number is (703) 308-0650. The examiner can generally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

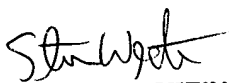
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Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

S. Weinstein/dh
June 5, 2003


STEVE WEINSTEIN
PRIMARY EXAMINER 1761
7/1/03